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# THE RIGHTS OF THE FREE STATES SUBVERTED,

OR,

An enumeration of some of the most prominent instances in which the Federal Constitution has been violated by our National Government, for the benefit of Slavery.

BY A MEMBER OF CONGRESS.

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Contributed to Joshua Reed

## INTRODUCTION.

Perhaps no subject was ever more generally misunderstood, than the contest now going on between a portion of the people of the free States and those who are attached to the slaveholding interests of the South. Until quite recently, the southern doctrine, from the adoption of the Constitution, has been, that "Slavery is strictly a State institution, over which the Federal Government has no control." This is believed by the people of the North, generally, to be the constitutional doctrine; those who dissent from it are so few that they can hardly be said to form an exception. That eminent statesman, Henry Clay, in 1844, declared that "the existence, maintenance and continuance of slavery must depend entirely upon the power and authority of the States in which it exists."<sup>1</sup>

From this position few northern men will dissent. All agree that Congress has no power to uphold it; and if the States in which it exists are unable to sustain it, it should be left to perish. Congress possesses no power to compel the people of the free States to uphold the slavery of the South: neither has it any power to compel the slave States to abolish it. It cannot interfere for either purpose. Still, southern politicians and southern statesmen have so often reiterated the fact, that northern men were endeavoring to interfere with their "peculiar institution," that many northern statesmen yet seem to be unconscious that those who have said and done most in regard to the encroachments of slavery, have merely endeavored to protect the rights of the free States, and to preserve the Constitution from being subverted. They have put forth their efforts to save the people of the North from being unconstitutionally involved in the expense and crime of supporting slavery.

The most objectionable feature of our Constitution, is that provision which gives to the slave States a representation in Congress proportioned to the number of slaves which they hold. This was a *privilege* conceded to those States. By it they now have nineteen members of Congress more than they would be entitled to were freemen alone included in the ratio of representation. Yet these members, like the others, are bound by the Constitution, and possess no right to pervert the Government to the support of slavery. Again: it is supposed by some, that that provision of the Constitution which relates to the arrest of fugitive slaves, directly involves the people of the free States in the support of slavery. But under the construction which that clause has received, it appears that the whole power of Congress consists in prohibiting the people of the free States from interfering to prevent the master, or his agents, from arresting his fugitive slave. We may feed, clothe, and lodge the slave, knowing him to be a fugitive. It seems that we may go farther: we may inform him of his rights, tell him how to escape, and furnish him with arms to defend himself, without making ourselves liable under the Constitution or laws of the United States. We may also refuse to feed, or to lodge the slaveholder while in pursuit of his slave; we may spurn him from our presence; and we may stand and see his slave defend himself, even to taking the master's life, and incur neither moral nor legal responsibility. Yet we may not secrete the slave from, nor defend him against, his master. So far as this supineness involves us in a negative support of slavery, so far are we liable to maintain that institution. Again: it is urged by some that, so far as the Constitution makes it the duty of the Federal Government to suppress internal violence, it subjects the people of the free States to the support of slavery. The duty of the Federal Government goes only so far as to suppress the violence. It takes no notice of slavery. But if slaves commit violence in order to obtain their liberty, such violence must be suppressed. Yet, when the violence ceases, the power of the Government ceases. Our troops cannot go farther and deliver the insurgents to their masters, nor can they enquire whether they be masters or slaves. The business and duty of our troops is with the violence, and not with slavery. But so far as the suppression of domestic violence tends to the support of slavery, so far the people of the free States may constitutionally be compelled to support that institution. I make this explanation in order that I may be definitely understood. Taking this as the true construction of the Constitution, we must regard every exercise of the national influence for the purpose of sustaining slavery, every payment of money from the national treasury, every employment of the navy or of the army for such purpose, as violations of that instrument.

It is intended in the following pages, to lay before the reader some of the most prominent instances in which the Federal Government have violated the Constitution, and trampled upon the rights of the free States, in order that slavery might be upheld and protected. It is intended to confine the enumeration to *actual violations of the Constitution*, and to pass unnoticed all those attempts which have failed to wield the power and influence of the Government to that purpose. Nor is it intended to notice any of those instances in which an indirect support has been extended to that institution. In short, the object is to collect, within as short a space as may be convenient, only those prominent instances in which the Constitution has been trampled upon for the benefit of the slave interest, without embracing any of doubtful character, and without pretending to enumerate all of those which are not regarded as doubtful.

<sup>1</sup>Vide Mr. Clay's letter to the editor of the Lexington Observer, Sept. 2, 1844.

With these explanatory remarks, we will proceed to examine some of those instances in which our Federal compact has been violated—

*By treaty stipulations.*

On the 7th August, 1790, the United States concluded a treaty with the Creek Indians, in which they distinctly agreed to deliver up the negroes then residing within their territory, *to the officers of the United States*; and if not delivered on or before the first day of June following the date of the treaty, the Governor of Georgia was authorized to appoint three persons to repair to the Indian country and demand them. The negroes thus to be surrendered, had left their masters during the Revolutionary war and subsequently thereto; and the Federal Government now interposed its influence to get them back to their masters. For this, and other stipulations on the part of the Indians, the United States agreed to pay them an annuity of fifteen hundred dollars, together with certain goods mentioned in the treaty.\* This is believed to be the first instance in which the Federal Government was exerted to perpetuate slavery instead of liberty. By this treaty, the people of the free States were involved in the expense of restoring the fugitive slaves of Georgia; and from that day to the present time, they have been annually taxed to meet the stipulations of this treaty, and will continue to be taxed under these stipulations while we remain a nation, and the Creek Indians shall constitute an independent tribe.

But the Indians neglected to deliver the negroes; and on the 31st December, 1795, the Secretary of War communicated to the President the fact, that the Indians had disregarded their compact, in neglecting to deliver the slaves under the treaty of 1790, and advised that the slaves be paid for by the United States.†

This communication was sent to the Senate and House of Representatives by the President on the 12th January following, but no final action appears to have taken place at that time.‡ On the 29th of June, 1796, another treaty was entered into between the United States and the Creek Indians, called "the treaty of Coleraine." By the terms of this latter treaty, the Indians again covenanted to deliver up to the officers of the U. States, such negroes as were resident in their nation; and if they were not delivered by the first day of January next following the date of the treaty, then the Governor of Georgia was authorized to appoint three persons to repair to the Creek nation and demand said negroes, *under direction of the President of the United States*.§ In consideration of this, and other stipulations, the United States covenanted to pay the Indians six thousand dollars in goods, and to furnish them with two blacksmiths and strikers, tools, &c., &c. Thus were the people of the free States again involved in the expense and disgrace of sustaining slavery, for the sole benefit of the slaveholders of Georgia. It should also be understood, that at the conclusion of this treaty, many of the slaves from the "Upper Creek towns" were brought in and delivered to the officers of Government, who condescended to act with the Indians as the assistant catchpalls of southern slaveholders.¶

Thus were the people of the whole nation taxed and again dishonored for the benefit of an institution most palpably beyond the jurisdiction of the Federal Government, and abhorrent to the feelings of the people generally.

The slaves of Georgia, however, continued to flee from bondage, and to seek an asylum among the Indians; and many who had left prior to the treaty of 1790, remained in the Indian country, intermarried with the Seminoles, or "Southern Creeks," as they were then called, and became permanently incorporated with various bands known as the "Florida Indians."||

The people and government of Georgia were constantly making efforts to get the U. States to obtain a return of the slaves who were living with the Indians; but these efforts proved of little use, as the Indians neglected to restore any of them.\*\* In 1802, a general law regulating intercourse between the people of the United States and the Indian tribes, was enacted by Congress. By the terms of this law, the agent for paying

\* Laws of the United States, 1 vol., 359.—6th American State Papers, 81. † 5 American State Papers, 546. ‡ American State Papers, vol. 5, page 546. § Amer. State Papers, vol. 5, page 586. Laws U. S., vol. 1, page 363. || Vide 6 vol. American State Papers, page 252. ¶ House Doc. 271, 1st Ses., 24th Congress. \*\* 5 American State Papers, 249.

annuities was authorized to retain from the annuities of any tribe, the value of any property taken from the white people by Indians belonging to such tribe.\* Under this law, it is said, that a compensation was retained by the agent of the United States, for all slaves who left their masters, and went to unite with the Indians, subsequent to the passage thereof. On this point the writer speaks from verbal information, and not from official documents. It is, however, certain, that the people of Georgia could neither get the negroes who had left their masters prior to the passage of the law, nor could they obtain compensation for their loss. They therefore became importunate in their demands upon the Federal Government, to interfere more effectually for the protection of slavery in that State. The Executive finally determined to make another effort to aid the slaveholders of Georgia in obtaining their slaves, or to extort from the Indians a compensation for their loss.† To effect this object, arrangements were made by the Executive of the U. States and the Executive of Georgia, for negotiating another treaty with the Indians; at the making of which, the State of Georgia should be represented by her authorized agents, in order that the claims of her slaveholders should be duly regarded.‡ Instructions were given to the commissioners, who negotiated the treaty on the part of the United States, to lend to the agents of Georgia every aid that might tend to effect the object of their mission.§

The commissioners on the part of the U. States, and those on the part of Georgia, met the chiefs, warriors and head men of the Creeks at "Indian Spring," about the 25th December, 1821. On the 27th, the commissioners of Georgia delivered their talk to the Indians, in which they assured the Indians, that "*in order to keep the chain of friendship bright between the white and red people, it was necessary that they should do JUSTICE to EACH OTHER.*" They then reminded the Indians of their stipulation to return negroes, contained in the treaties of New York and Coleraine, and delivered to the Indians a list of their claims.|| The next day, Gen. McIntosh, principal chief, replied, that "he did not know that he was called here to answer for the claims of Georgia, until they had received the talk of the commissioners yesterday—that most of the items he knew nothing about." That Gen. McGilvrey, who negotiated the treaty of N. York ~~more than thirty~~ years before, when he returned, informed their people that they were to deliver up the negroes then in the nation; but they were not to be liable for any that were dead or removed. That many of them were collected at the time of the treaty of Coleraine, and delivered to the agent of the U. States. That others were subsequently delivered to Col. Hawkins, who never mentioned to them any claim under the treaty of Coleraine, but mentioned that of N. York. That many of the negroes had been carried away by the British at the close of the war; that in 1816, many of these negroes were in the fort on the Apalachicola river; that most of them were killed; and those that were not killed were delivered to Col. Clinch—and many of the negroes had gone into Florida among the Seminoles. That he had himself, with his warriors, joined Gen. Jackson's army, and gone with them into Florida, where they took some of those negroes, and delivered them to the agent of the U. States, and that others still remained among the Seminoles. That if the President admitted that country to belong to the Creeks, he would take his warriors and go and bring up as many as they could get, and deliver them up to the U. States. He thought the Creeks had fairly complied with their treaties in good faith.¶

In reply to this, the commissioners of Georgia insisted that the Indians ought to pay for the negroes carried away by the British at the close of the war, and for those among the Seminoles, "*and for the increase of all that had taken up their residence among the Indians.*" This demand was rejected by the Indians. It was, however, agreed to refer all the claims of Georgia against the Indians to the President,\*\* and a stipulation was made in the treaty, by which the U. States were to hold \$250,000 due from the U. States to the Indians, in trust for the payment of such claims as the President should regard just and proper.†† The President took upon himself the discharge of thus estimating the value of the slaves, and the propriety of paying for their increase. Commissioners were appointed for that purpose, who, after full examination, estimated the amount

\* Laws U. S., 2 vol., 360. † 6 American State Papers, 248, 257. ‡ 6 American State Papers, 254. § 6 American State Papers, 250. || 6 American State Papers, 251. ¶ 6 American State Papers, 256. †† 6 American State Papers, 249.

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that should be paid to the slaveholders of Georgia, in full of all demands, at \$101,000. This sum, according to the report of Mr. Wirt, Attorney General of the U. States, was made up by estimating the price of the negroes at two or three times their real value.\* This money being paid over to the owners of slaves, left in the hands of the Government \$149,000 belonging to the Indians. That amount was retained by Government for some years, until the owners of slaves having already received two or three times their real value, petitioned Congress to distribute the remaining sum among them as an additional compensation. Congress made the appropriation, and the money was paid to them, and the Indians were thus defrauded by the General Government of \$149,000, in order to enrich the slaveholders of Georgia, in addition to paying two or three times the real value of the negroes.†

Thus was the Constitution violated, and the people of the free States involved in one of the grossest frauds ever practised upon an offending tribe of helpless Indians, for the purpose of protecting the slaveholding interests of Georgia. It should also be borne in mind that these things were transacted at a period when all southern statesmen very correctly denied that "*Congress or the Federal Government possessed any powers whatever in relation to slavery.*" During a period of more than thirty years was the influence of the Federal Government exerted for the purpose of obtaining these fugitive slaves, or in extorting from the Indians a compensation for their owners. The Senate were called upon to approve those treaties, Congress was called on to pass laws, and to appropriate money to carry those treaties into effect, and the people of the free States to pay the money and bear the disgrace, in order that slavery may be sustained. But the consequences of these efforts still continue, and the Government has to this day been unable to extricate itself from the difficulties into which these exertions in behalf of slavery precipitated it. And the people of the free States are to this day taxed and dishonored, in consequence of these violations of their constitutional rights. These facts will be more fully illustrated when we examine our subsequent relations with the Seminoles and Creeks. But we will now look to our separate treaties with the Seminole Indians.

The first treaty between the U. States and these Indians bears date at "Camp Moultrie," September 18, 1823. By this treaty the U. States agreed to pay them \$6,000, and an annuity of five thousand for twenty years; besides \$1,000 yearly for twenty years, to be expended in the support of a school, and the like sum for the same period to be expended in the support of a gun and blacksmith.

By the 7th article of said treaty, the Indians obligated themselves "*to be vigilant and active in preventing the retreating to or passing through the district of country assigned them, of any absconding slaves or fugitives from justice.*" They further stipulated "*to use all necessary exertions to apprehend and deliver such fugitive slaves to the agent of the United States.*"‡ Thus was the money of the nation again appropriated directly for the purpose of catching southern slaves, and returning them to their masters, while the people of the North were constantly told that the Federal Government possessed "*no constitutional power in relation to slavery.*"

Before we proceed further, it will be well to caution the reader to bear in mind the historical fact, that, prior to the making of this treaty with the Seminole Indians in 1823, they had been regarded as a portion of the Creek tribe, from whom they separated, and were therefore called "Seminole," or "runaways." It has already been stated that a large portion of these slaves, who had left Georgia prior to 1802, had united with these bands of Seminoles, had intermarried, and become incorporated with them. They had been paid for by the Creeks at the rate of five or six times their real value, and the Creeks having paid their money for them, sent their agents among the Seminoles to demand them as slaves, not doubting that they had derived a good title to them and their offspring, from the Government of the U. States.§ But the Seminoles, unwilling to surrender their wives and children to the Creeks, and being vexed and harassed with these and other demands made upon them for slaves, were induced to enter into the treaty of "Payne's

\* Ex. Doc., 1st Ses., 26th Congress, vol. 6, No. 123. † Laws U. S., 9 vol., 117. ‡ Vide treaty, 7 vol. U. S. Laws, 708. § Vide report of Wiley Thompson, agent of the U. States for the Seminole Indians, Ex. Doc. 125, 3d session 25th Congress.

Landing," in May, 1832, by which they stipulated to remove West, and re-unite with the Creeks. The 7th article of that treaty is in the following words:

"The Seminoles, being anxious to be relieved from repeated vexatious demands for slaves, (and other property alleged to have been stolen or destroyed by them,) so that they may remove unembarrassed to their new homes, the United States stipulate to have the same properly investigated, and to liquidate such as may be satisfactorily established, provided the amount does not exceed seven thousand dollars."<sup>\*</sup>

Here, again, the money collected in the free States was paid over directly to the slave-holders of Georgia, and Alabama, and Florida, as a compensation for their fugitive slaves. And so little objection was made to it, that few of the people of the North were informed of the fact. The Creeks, however, were not satisfied with this arrangement, but continued to press the Seminoles to surrender their wives and children, as the property of the Creeks.

It will be recollected that the Seminoles had agreed in the treaty to remove west, and to re-unite with the Creeks. But to emigrate under such circumstances would be to place themselves in the power of the Creeks, who would thus gain possession of those whom they claimed as slaves, but who were in truth wives and children of the Seminoles. They therefore preferred to remain and fight the whites, rather than go to the west, and permit their wives and children to become slaves. They were, however, overpowered, and compelled to emigrate. But when carried west of Arkansas they dared not go into the Creek country, but settled down upon the territory belonging to the Cherokees. Here they remained. The Cherokees protested against this act of the Seminoles. The Creeks were anxious to have the Seminoles remove within their jurisdiction, in order to get their slaves, which they had purchased so dearly of the Federal Government, while the Seminoles dared not place themselves in the power of the Creeks; and during several years this triangular contention kept those tribes in a state of turmoil, and almost constantly threatened them, and the United States with war. This state of things was wholly brought about by the efforts of our Government to obtain pay for the fugitive slaves of Georgia. The Executive was not an idle spectator of these facts. Efforts were constantly made to arrange the difficulty, but without success, until December last, when it is said that a treaty was effected between the United States on one part, the Cherokees of another part, the Creeks of another part, and the Seminoles of the fourth part. We are entirely indebted to reports communicated through the public press, and received from officers of Government, in respect to this treaty and its terms. It has not been officially made known to the people. But so far as we are able to learn the treaty provides: 1. that the Seminoles shall leave the Cherokee lands, and shall settle upon the tract assigned to the Creeks. 2. Their wives and children and husbands shall remain free. 3. The Seminoles shall pay to the Creeks, for their wives, husbands, and children, such sums as shall be awarded by the President of the U. States. Thus we shall exhibit to the civilized world the singular fact of the Executive of the only free nation upon earth, gravely estimating the value of men, of women, and of children, sold and transferred by our Government to a savage and barbarous people. Yet is the question often asked by northern men, "*What have we to do with slavery?*" I answer, we are compelled to pay our money, involve ourselves in crime, degrade our character, and see our constitutional rights subverted, in order that slavery may be sustained. The first and last treaty with those southern Indians were negotiated for the benefit of slavery; indeed, most of our treaties with them since 1789 have contained some provisions for the benefit of the slave-holding interest.

#### *Treaty with England.*

During the late war with Great Britain many slaves escaped from their masters in the southern States, and sought protection under the British flag. In the first article of the treaty of Ghent a stipulation was inserted for the restoration of slaves, understood by the commissioners who negotiated the treaty on the part of Great Britain to refer to those slaves who had been captured in certain forts; but by our Government understood to refer to all those slaves who had escaped from their masters during the war, and who had sought British protection. The construction given to the treaty by our Executive was urged

<sup>\*</sup> Vide treaty of Payne's Landing, 9 vol. U. S. Laws, 1240.

upon the British ministry with such persevering energy that a compromise was effected, by which they agreed to pay to the Government of the United States *one million two hundred and four thousand dollars*, for the benefit of those Southern planters who had lost their slaves.\* Thus the Executive assumed to act as the protector of slavery, and the influence of the Government was prostituted to the support of that institution. The money was received; and Congress has often sat in grave deliberation as to the manner of distributing this money among those who claimed to own the flesh and blood, the bones and sinews, of their fellow men.

### *Treaty with Spain.*

By the last clause of the 9th article of our treaty with Spain, entered into in February, 1819, our Government became obligated to "cause satisfaction to be made for the injuries, if any, which by process of law should be established to have been suffered by the Spanish officers and the individual Spanish inhabitants, by the late operations of the American army in Florida."† In March, 1823, a law was passed for the purpose of carrying this clause of the treaty into effect;‡ and another was passed in January, 1834,§ extending the benefits of this treaty to such persons as suffered by the invasion of our troops in 1812 and '13. In 1838 Felix Grundy, Attorney General of the United States, gave a written opinion to the Secretary of the Treasury, that slaves were *property*, and ought to be paid for under that treaty and the laws to carry it into effect.|| Upon the strength of this opinion of a slave-holding Attorney General, Secretary Woodbury allowed compensation for some ninety slaves, and some forty thousand dollars, mostly drawn from the people of the free States, were paid to slaveholders of Florida; and it is worthy of remark, that nearly if not all these claims had been rejected by former Secretaries and by Congress. (Vide record in office of the Register of the Treasury.)

### *Moneys paid from the Treasury without authority of law.*

The attention of the reader will be hereafter called to the fact, that certain monies received from the British Government, as a compensation to the owners of slaves who regained their liberty from on board the slave ships "Comet and Encomium," were left in the treasury when Mr. Van Buren and his cabinet retired from office. The fact that such money remained in the treasury, and a call upon the owners of the slaves to claim it, was published in the newspapers of Washington and of the southern States. *The expense of these advertisements were charged over to the Government;* but the money of the slaveholders was retained as a sacred treasure, and the full amount paid over to those who established their claims to the slaves.¶

When the Seminole Indians emigrated west of the Mississippi, many negroes emigrated with them, as a part of the tribe. After they were gone slaveholders of Georgia and of Florida, professing to own those negroes, called on the Treasury Department to pay for them, and they received full compensation from the national treasury.\*\* These payments were made by the Treasury Department after the claims had been rejected by Congress, and against the entire practice of the Government up to that period.

### *Interference of the Executive with other governments, to prevent the extension of human rights.*

When the Spanish Colonies on this continent became independent of the parent government they emancipated their slaves. Fears were entertained by our Government that they would extend their aid to Cuba, in which case emancipation would take place in that Island. The effect of extending liberty to the slaves of Cuba was foreseen and dreaded. Our representatives to the Congress of Panama were, therefore, instructed to state to those represented in that body, explicitly, that the United States would not permit a war of emancipation to be waged in Cuba, lest the example might be attended with serious consequences to the slaves of this Union.†† To prevent the extension of civil liberty to the slave population of Cuba, great efforts were put forth by our Government to induce the King of Spain to acknowledge the independence of his revolted co-

\* Laws of the U. S., vol. 8, 693. † Laws of the U. S., vol. 1, 622. ‡ Laws of the U. S., vol. 7, 166. § Laws of U. S., vol. 9, 59. || Ex. Doc. No. 123, 2d Session 26th Congress. ¶ Expenditure of the State Dept., 1840. \*\* Expenditures of the Indian bureau, 1843. †† Letter of Instructions, May 8, 1826.

lonies ; and the Emperor of Russia was solicited to use his influence with the Spanish Government to effect that object.\*

### *Attempts of the Executive to obtain fugitive slaves from Canada and Mexico.*

Every reader is aware that great numbers of slaves have left their masters in the northern slave States, and sought security under the British Government in Canada. Others from the more southern slave States have found their way to Mexico. The profits of the institution being thus affected, the Executive appears to have regarded it as an official duty to lend the influence of the nation to prevent the recurrence of such losses. Our minister at London was therefore instructed to obtain a stipulation with the British Government, for the mutual surrender of fugitive slaves. The proposition was made, and urged, until our minister was distinctly informed, that such an arrangement on the part of Great Britain was impossible.† The proposal was, however, subsequently pressed upon the British minister by express instructions, until that functionary assured our representative, that "*the law of Parliament gave freedom to every slave who should land on British ground.*" But the efforts of our Government were more successful with the Mexican minister, with whom a treaty for the surrender of fugitive slaves was actually negotiated ; but it was rejected by the Mexican Congress, when presented for its ratification, and further attempts on the subject were given up.

### *Employment of the army and navy to sustain slavery.*

After the close of the war with Great Britain in 1815, the fugitive slaves began to collect on the east side of the Apalachicola river, some fifteen miles from its mouth, in the territory of Florida. Here they erected a fort, and provided themselves with arms, ammunition, and provisions. They opened plantations in the vicinity of the fort, and commenced farming. They soon attracted the attention of the slaveholders, who became alarmed at these indications of freedom. Reports to the Federal Executive were made of the *dangerous* character of these fugitives, whose sole object was to live in the quiet and peaceful enjoyment of their liberty. Military officers of the United States directed their attention to this state of facts, and a correspondence, occupying many pages in regard to this collection of fugitive slaves, may be found among the Executive documents of the 2d session 15th Congress.

The Secretary of War issued orders to Gen. Jackson, directing him to notify the commandant of Pensacola that such a Fort existed, "and was occupied by some two hundred and fifty or three hundred negroes, who inveigled the slaves from the frontier of Georgia ; and that if it should be determined that the subject did not require the interference of Congress, measures would be taken for its destruction." General Jackson issued orders to General Gaines "*to destroy the fort, and to restore the negroes to their owners.*" General Gaines issued his orders to Col. Clinch, who advanced within a mile or two of the fort, and attempted a cannonade, but appears to have failed in making any impression upon it. At the same time, Commodore Patterson had despatched two gunboats for the reduction of this fortress. They ascended the river, took their positions opposite the fort, and, by firing hot shot, blew it up. There were about two hundred and eighty negroes, including women and children, in the Fort, together with some twenty Indians. Of the whole number, two hundred and seventy were killed, and several others mortally wounded.‡ Among them, were some of those fugitives who had left their masters in Georgia prior to 1790, and for whom the Creek Indians subsequently paid four or five times their real value, as heretofore shown. Those who were neither killed nor mortally wounded, were seized by our troops, and restored to their masters.§ No act or offence against the United States is alleged against these people, except that they fled from slavery. For that alone they were thus murdered by the Federal Government.—

"The deep damnation of their taking off,"

rests on the people of the free, as well as of the slave States. Yet are the inhabitants of

\* Instructions to Mr. Middleton, May 10, 1825. † Vide Mr. Gallatin's Letter, July 5, 1827. ‡ Vide Com. Patterson's report, 2d Session 15th Congress. § Ex. Doc. 2d Session 15th Congress.

the north insulted by the constant assertion that the "Federal Government cannot interfere in any way concerning slavery."

This barbarous murder aroused in the negroes and Indians a spirit of hostility to the whites. On the 25th March, 1818, the President communicated to the Senate such information as he possessed in relation to the then existing war with the "Seminole Indians." Among other matters, was an extract of a letter from George Perryman to Lieut. Sands, dated February 24, 1817, in which the writer, speaking of the Indians on Flint River, remarks: "They speak in the most contemptuous manner of the Americans, and threaten to have satisfaction for what has been done—meaning the destruction of the negro Fort. Another of my acquaintances (says he) returned immediately from the Seminole towns, and saw the negroes on parade there. He counted about six hundred that bore arms. They have chosen officers of every description, and endeavor to keep up a regular discipline. There is said to be about the same number of Indians, and both Indians and negroes are daily going to their standard."\* In November, 1817, while communicating intelligence of the first skirmish between our troops and the Indians, General Gaines says: "The reports of friendly Indians concur in estimating the number of hostile warriors, including the Redsticks and Seminoles, at more than two thousand, besides blacks, amounting to four hundred men, and increasing by runaways from Georgia."† Gen. Jackson, in making report of the first battle after his arrival upon the theatre of war, speaks of the combined forces of "Indians and negroes."‡ In his report of the battle at Suwanee, he says there were "nine negroes and two Indians killed," and "two negro men taken prisoners." He also reported "nine Indians and five negroes taken prisoners" the next day.§ In his letter of May 5, 1818, the Secretary of War, announcing the execution of Arbuthnot and Ambrister, Gen. Jackson charges those men with having excited "this negro war." And in his memorial to the Senate, he declares that "acting as chiefs of the negroes and Indians, Arbuthnot and Ambrister had become identified with those monsters—associates in war. Great Britain (says he) would not interfere, to prevent those miscreants from instigating fugitive negroes and Indians to the burning and pillaging the buildings and scalping the inhabitants of Georgia and Alabama."||

On the trial of those men, witnesses were brought forward, to show that they had intercourse with the negroes, and that they had encouraged them to defend themselves against the whites; and one witness swore that Ambrister at one time commanded a party of negroes and had dealt out to them ammunition, goods, paints, &c.: and another swore that he had heard that Arbuthnot advised, that William Hambly, a prisoner, should be delivered over to six Indians, who were in the Fort when it was blown up, and escaped. A letter from Arbuthnot to his son, was read in evidence and regarded as important. In that letter he declared, "the main object of the Americans is to destroy the black population on the Suwanee."||

In short, in the reports of nearly all the battles fought during that war, the negroes appear to have acted a conspicuous part; and in nearly all the documentary evidence before me, they appear to have been regarded as principals in the war.

In an address of the Seminoles to Governor Cameron, dated in April, 1818, setting forth the causes of the war in which they were then engaged, they declare the murder of their brethren at the Fort blown up by our gun-boats, two years previously, to have been a principal cause of that war. Indeed, from a careful perusal of the documentary evidence, it appears very satisfactorily, that the efforts of our Government to sustain the institution of slavery, by the aid of physical force, involved us in the first Seminole war. Some slaves were taken and restored to their owners, but the number captured or murdered by our troops does not appear from any evidence within my knowledge. It is quite certain that great efforts were made to break up their haunts; their villages were burned, their plantations destroyed, their corn and other provisions used for the support of the army, and they, together with the Indians, dispersed into various parts of the territory, to avoid the vengeance of our troops. This was effected by a wanton invasion of a territory belonging to a friendly power. When that power refused to surrender her

\* 12 American State Papers, 681. † Same Vol. 686. ‡ Same Vol. 699. § Vide Gen. Jackson's letter to Secretary of War, May 5, 1818. || 12 Amer. State Papers, 787. ¶ 12 American State Papers, 757.

ifications, on demand of our troops, our guns were turned upon them, and they were compelled to submit.

When our commanding officer was called to an account for these violations of faith with a power at peace with us, he replied, that "*these fortifications had become the rendezvous for embaying hostile negroes and Indians and giving them comfort and protection*,"\* and no further enquiries were made upon the subject.

### *The second Seminole, or the "Florida War."*

The reader will recollect that by the treaty of Payne's Landing, entered into in 1821, the Seminoles agreed to emigrate west of the Mississippi, and re-unite with the Creeks. His attention has also been called to the fact, that they refused to emigrate, least their wives and children should be taken from them and held as slaves; they therefore remained in Florida. The people of Florida were anxious to rid their territory of these Indians, and a large portion of their principal inhabitants united in a petition to the President for their removal, in which they declare that "while this indomitable people continue where they now are, the owners of slaves in our Territory, and even in the States contiguous, cannot for a moment, in any thing like security, enjoy this kind of property." The President referred the memorial to the Secretary of War, and he called upon the Agent of the United States, then with the Seminoles, for information. The agent (Genl. Wiley Thompson) replied, that "the *principal* causes which operate to cherish this feeling hostile to emigration are, first, the fear that their re-union with the Creeks, which will subject them to the government and control of the Creek national council, will be a surrender of a large amount of negro property now held by these people, to the Creeks as an antagonist claimant;" and Genl. Thompson further adds: "This Creek claim to negroes now in possession of the Seminoles, which is supposed to be the first cause of hostility to the emigration of the latter tribe, grows out of the treaty of 1821, between the United States and the former."<sup>†</sup> In order that the slaveholders in Florida, and the States contiguous, might enjoy their slavery with profit, our army was ordered to that Territory for the purpose of compelling the Indians to emigrate, and of capturing such slaves as had sought refuge among them.

They captured four hundred and sixty negroes, who were adjudged slaves by staff officers of the army, to whom that duty was assigned, and delivered them over to interminable bondage.<sup>‡</sup> We have no means by which we can determine the number of lives sacrificed in that war; but it may safely be asserted, that the capture of each slave cost the lives of two white men, and at least eighty thousand dollars in cash, the most of which was drawn from the pockets of the people of the free States. The whole expense of the war is estimated at forty millions dollars. The moral guilt incurred, and the sacrifice of national character, cannot be estimated. Perhaps I ought to add, upon the authority of Genl. Jesup, that blood-hounds were also purchased, to act as auxiliaries to our army, and that blood-hounds, and soldiers, and officers, marched together under "the star spangled banner," in pursuit of the panting fugitives who had fled from southern oppression.<sup>§</sup> And blood-hounds, and soldiers, and officers, were paid for from the avails of northern industry; while our people were not permitted to petition their servants to be relieved from such degradation.

Most readers will recollect, that several slaves escaped from their masters in Florida in 1843, and fled to the Island of New Providence. We learn from the accounts published in the newspapers of that day, that an officer and several men were detached from one of our ships of war, to search for and arrest the fugitives; and that at least one of the revenue cutters, with its officers and crew, were employed for some days in a fruitless attempt to arrest their fellow men, who were thus fleeing from bondage. An agent was also sent to that Island, to demand of the Governor those who had sought protection from slavery under the British laws.

In August, 1831, a few slaves in the upper part of Southampton county, Virginia, commenced an insurrection. Their whole numbers perhaps at no time exceeded one hundred. When this news reached Norfolk, the authorities of that city made immedi-

\* Vide Gen. Jackson's memorial to the Senate, 23d Feb., 1820. † Vide House Doc. No. 274, 1st Session 24th Cong.. ‡ House Doc. 52, 3d Sess. 27th Congress. § House Doc. 125, 3d Sess. 25th Cong.

ate application to Colonel House, then commanding at Fortress Monroe, who, at 6 o'clock the next morning, embarked on board a steamboat, with three companies of United States troops, for the scene of action. He was re-inforced by a detachment from on board the United States ships Warren and Natchez, amounting in all to about three hundred men, who, without any authority whatever, thus turned out to suppress the efforts of their fellow-men, who were exerting themselves to attain that liberty for which so much blood was shed during the war of our Revolution. Their efforts to regain the inalienable rights with which God had endowed them, were as legal, and far more just and holy, than those of Washington and his associates during the Revolution; inasmuch as they fought for natural rights, while our-fathers contended for political privileges. Yet so eager were these officers of the U. States army and navy to put down these attempts of their fellow-men to break the chains of oppression, that they waited for no orders or directions from proper authority, but, in violation of the Constitution, of law, and of justice, they sought to kill and murder those who were seeking to obtain their freedom.\*

*Legislation by Congress for the purpose of establishing, supporting, and maintaining slavery.*

In 1778, and 1790, ten miles square, situated on both sides of the Potomac river, were conveyed, by deeds of cession from the States of Maryland and Virginia, to the United States, within which to establish the seat of our National Government. But the laws of those States were continued in force within the territory ceded, until Congress took possession of it. Congress subsequently accepted the grant, and by statute, approved 27th February, 1801, declared that the State laws (previously) in force within said district should continue until repealed.

By virtue of this provision, all laws of Maryland, including the whole of her slave code, were established as law within that portion of said district which had been ceded by that State. So, also, the laws of Virginia, including her slave code, were established in that portion of the district ceded by that State. This provision in the act of Congress of 1801, is the foundation on which the institution of slavery and the slave trade is based within the District of Columbia.† Repeal this provision of the law of 1801, and slavery would cease and the slave trade perish. If Congress has no powers in respect to slavery, it certainly had no power to create and establish it, and to uphold and continue it until the present time. The slave trade, with all its revolting crimes and all its guilt, was established, and is now upheld and continued there by *our laws*; and we are involved in its guilt. So, too, those barbarous laws, by which free people of color in that district are sold into slavery, and by which a slave, for certain offences, "is now liable to have his head cut off, his body divided, and set up in public places." Congress has, at various times, amended these laws, to favor the slaveholding interest; but never in favor of liberty. They have given to the city of Washington power to punish slaves corporeally,‡ and to employ a guard at the expense of the nation, now used to catch fugitive slaves.§ Yet many speeches have been made, resolutions adopted, and I may almost say that volumes have been written, to prove that Congress has not the Constitutional power, nor the moral right, to repeal those laws of its own enacting. Even at this day, Northern men are heard to enquire, what have we to do with slavery in the District of Columbia? While Southern statesmen boldly declare that Congress possesses no power in relation to slavery within this District.

It would require much time to mention *all* of the laws enacted by Congress for the benefit of slavery. I intend to call attention to some few of the most prominent. Congress has passed laws every year since 1790, in compliance with those treaties to which attention has been called. Under those treaties Congress has annually appropriated moneys to fulfil our stipulations in favor of slavery. And if we carry out those treaties we must continue such appropriations indefinitely.

By act of Congress, approved March 2, 1807, the "*American slave trade*" was regulated by Congress with as much formality as was the tariff of 1812.||

At the close of the late war with England in 1815, our commissioners, at the treaty

\* Vide Niles's Register, August, 1831. † Vide opinion of B. F. Butler, Attorney General 6 vol. Ex. Doc. 1840. ‡ Charter of the city of Washington. § Act of the 27th Congress. || It has lately been judicially determined, that to carry a slave upon the high seas is to emancipate him.

Ghent, obtained from the British Government a stipulation under which our Government, acting as the agent of certain slaveholders, received one million two hundred thousand dollars as a compensation for slaves who, during the war, left their masters and sought the enjoyment of liberty under the flag of the British nation. A small portion of that money is yet in the hands of Government, but Congress has frequently legislated for distributing portions among those claiming to have lost slaves during the war. Foreign slaves have been brought into the United States since the prohibition of the foreign slave trade, and persons convicted of thus violating the laws of our nation, have applied to Congress for relief from the penalties of that law, and Congress has generally granted it. Among the Seminole Indians who emigrated West were many colored persons. Men, professing to own them as slaves, have applied to Congress for pay, and have actually been compensated for their loss, by moneys collected from the freemen of the North.\* Representatives from the free States have not hesitated to advocate the passage of such laws, and to tax their constituents for the payment of such claims.†

When Mr. Van Buren acted as President of the United States, he obtained from the British Government twenty-five thousand pounds sterling, as a compensation to the owners of those slaves who were on board the ships "Comet" and "Encomium" when they were wrecked near the British Island of New Providence. When he retired from office, there were in the hands of the Secretary of State, Mr. Forsyth, about seven thousand dollars unclaimed. This money he paid to the Treasurer of the United States. In 1842, the owners of these slaves called on the Treasurer for the money. He refused to pay it to them, thinking himself unauthorized to do so without a special law for that purpose. They then applied to Congress for relief. Thus, as late as 1842, slave merchants dared to approach Congress, and ask the Representatives of the people to aid them in carrying out their speculations in the bodies of men, women, and children. And it is with pain and mortification that the writer is constrained to say, that prominent statesmen of the North supported the bill, while they were not permitted to read, or refer a petition from their constituents, respectfully asking to be relieved from the expense and crime of supporting that traffic in our own species.

#### THE LAWS OF FLORIDA.

By the organic law of Florida, the people of that Territory were authorized to elect a local legislature. The legislature so elected was authorized to pass laws which were to be submitted to Congress, and if not disapproved by that body, they became the laws of the Territory. Thus Congress, by its agent, the Territorial legislature, enacted the laws and became responsible for them. Those statutes provides that free colored people coming into that Territory to reside, and refusing to leave it, shall be *sold into slavery*. Another statute contains a provision by which free persons residing within the Territory, and refusing to leave it, may be sold as slaves. Another law provides, that when a judgment shall be obtained against a free colored person, it shall remain five days unpaid, such person shall be sold into slavery to pay the debt. In short, Florida, while under the control of Congress, has had the most barbarous code of slave laws within the United States. For these laws, Congress was responsible. Northern Representatives have involved us in the moral guilt attached to those laws. They were enacted especially for the benefit of slavery, without Constitutional authority, and in total disregard of our rights and of the rights of mankind.

In 1839, Congress passed a special law giving five thousand dollars to the officers and

\* Vide "act for relief of Depeyster and others," approved 17th June, 1844. † During the 27th Congress, the Hon. Ezra Dean, of Ohio, reported a bill for compensating the owners of slaves stolen by the followers of General Jackson's army while in Florida in 1814. The bill was sustained by him in a set speech. But its real nature being explained, it was rejected, only 36 members voting for it. Nearly one-half of the slaveholding members voted against this bill, reported and sustained by a Representative from Ohio. † Vide Journal of the House of Representatives, 2d session, 27th Congress.

NOTE.—During the 1st session 28th Congress, Hon. C. J. Ingersoll, Chairman of the Committee on Foreign Affairs, reported a bill to pay to the Spaniards claiming to own the slaves on board the Amistad, \$70,000; but the subject being discussed on the question of printing the report, the bill was never called up for action.

crew of the two gun boats sent by Commodore Patterson to blow up the fort on the Apalachicola river, as has been stated, and by which two hundred and seventy men, women, and children were murdered in cold blood for their love of liberty. The people of the free States were not only involved in the crime of those murderers, but they were compelled to pay a bounty to those who committed them.\*

*Our relations with Hayti.*

The existence of a black republic in the island of Hayti was early regarded as a dangerous precedent, should the fact become known to the slave population of our Southern States. To harass those people, and to prevent, as far as convenient, all intercourse between that island and our slave States, in order to keep the slaves of those States in total ignorance of the liberty enjoyed by their brethren in Hayti, Congress, by special law, approved 28th February, 1806, prohibited all commercial intercourse between the ports of the U. States and those of Hayti, (not in possession and under the acknowledged government of France.)† The law provided, that after due notice of the passage of the act, any vessel trading from any port of the United States to any of the prohibited ports in St. Domingo, together with the cargo of such vessel, should be forfeited, &c. The law subsequently expired by its own limitation, but to this day our Government has refused to acknowledge the independence of Hayti, or to establish commercial relations with its government. Thus the freemen of the Northern States are deprived of the profits which they would derive from established commercial relations between the two governments, in order that Southern slavery may be sustained and continued.

*Attempts to obtain fugitive slaves from Canada.*

On the 10th of May, 1828, the House of Representatives, by resolution, "requested the President to open negotiations with the British Government, in the view to obtain an arrangement, whereby fugitive slaves, who have taken refuge in Canada, may be surrendered."‡ The Executive had anticipated the wishes of the House, but his efforts failed, as will be seen hereafter.

*The purchase of Florida.*

While Florida was owned by Spain, it afforded an asylum to the slaves who escaped from the contiguous States; for, by the Law of Nations, no government is bound to surrender fugitive slaves. The bondmen of Georgia and Alabama fled into Florida, and erected the fort referred to heretofore. Without law, and without precedent, and in violation of his constitutional powers, Gen. Jackson demanded of the Governor of Pensacola, "*the destruction of the fort, and return of the negroes.*"§ He further stated, that unless this were done by the Spanish authorities, the troops of the United States would do it. After the fort was destroyed, the negroes collected together in considerable force upon the Suwanee river, and were in greater or less numbers scattered throughout various portions of Florida. They were found at Barancas, St. Mark's, and Pensacola. Gen. Jackson, in his memorial to the Senate, speaking of those posts, declared, that "*they had become the rendezvous for embodying hostile negroes and Indians, and for giving them comfort and protection.*" "These posts (said he) had been alternately substituted for the fort on the Apalachicola, (the fort blown up,) and thither the negroes and Indians retreated for shelter after their defeat at Mickasuky." In his letter to the Secretary of War, dated Nov'r 28, 1818, Gen. Jackson says: "The situation of Florida, in relation to our country, is peculiar, and demands the early attention of our Government—her territory will always prove an asylum to the disaffected and restless savage, as well as to *a more dangerous population, unless some energetic government can be established to control and exclude these interlopers.*" Indeed, every reader must see, that while Florida belonged to any foreign power, the slaves of the South would flee to it for protection. The purchase of Florida had become necessary to the slaveholding interest. The purchase was therefore made, and five millions of dollars taken from the people and paid over for the support of slavery. Let no one say that we obtained lands in return for our money. Gen. Jesup has informed us, that

\* 9 vol. Laws U. S. 1065. † Laws U. S., vol. 4., page 4. ‡ Vide Journal of that date. § 12 American State Papers, 750.

ose lands would not pay for the medicines used by our troops while removing Indians." Indeed, for years those lands have been offered gratis to those who would settle upon them; but as yet we have been unable to give them away. Neither it be said that we have received the revenue in return for our money. The government of the Territory has cost us probably twenty times the amount of revenue received. The truth is, the slave interest demanded the purchase, and it was made.\*

#### *Suppression of the Right of Petition.*

On the 26th of May, 1836, the House of Representatives adopted a resolution, which excluded from being read or considered, "all petitions, memorials, resolutions, and propositions, relating in any way, or to any extent whatever, to the subject of slavery."† Thus, while the institution of slavery, and the slave trade in the District of Columbia and in the Territory of Florida, were upheld and maintained by acts of Congress, the people were prohibited from asking a repeal of those laws! This resolution failed to have any effect at the adjournment of Congress.

On the 18th of December, 1837, a member from Vermont presented to the House a petition, signed by some six hundred inhabitants of that State, praying the abolition of slavery and the slave trade in the District of Columbia. On the 20th it came up for consideration, when the member presenting it, (Hon. Mr. Slade,) moved to refer it, with instructions, to the Committee on the District of Columbia, directing them to report a bill for the abolition of slavery and the slave trade in said District, and addressed the House for the purpose of assigning his reasons for such instructions. Much confusion ensued; a portion of the southern members withdrew from the Hall, threatening immediate dissolution of the Union. Others called Mr. Slade to order; and finally the Speaker declared him out of order, and immediately the House adjourned.‡ It was said that the southern members held a meeting that night, and agreed upon a resolution similar to that adopted in 1836.§ The next morning a slaveholding member from Virginia presented the resolution, which was adopted by a vote of 135 to 60.|| The vote was taken by ayes and noes, and when the clerk called the name of "John Quincy Adams," that venerable statesman arose and said, "I hold the resolution to be a violation of the Constitution of the United States; of the right of my constituents and of the people of the United States to petition, and of my right to freedom of speech as a member of this House."¶

At the session of 1838-'9 the House was not fully organized until the 9th of December. On the evening of the 10th a meeting was said to have been held by the Democratic party of both free and slave States, at which resolutions were agreed upon, declaring that Congress had no *constitutional power* to abolish slavery in the District of Columbia, and excluding all petitions upon the subject of slavery from being read or referred by the House. The resolutions were said to have been drawn up by a distinguished statesman of the south, but the infamy of presenting them was awarded to a northern man. They were accordingly presented on the morning of the 11th of December, and adopted by a vote of 137 to 66.\*\*

At the commencement of the next Congress the substance of these resolutions were adopted in the form of a *rule of the House*, and continued to be the law of that body until the 2d session of the 28th Congress, when they were discarded, and the right of petition was regained after a struggle of nine years. An attempt to renew the rule was made on the first day of the 1st session 29th Congress, but it failed by a vote of 84 to 121.

#### *Suppression of the Freedom of Speech.*

Most of the members of the House regarded the freedom of speech suppressed to the same extent as was the right of petition. Such was the construction given to the rule by the Speaker, that he usually declared every member out of order who spoke disre-

\* In 1839 we paid to custom-house officers at St. Augustine and St. John's, in Florida, two thousand six hundred and fifty dollars for collecting *nothing*. † Vide Journal of 26th May, 1836. ‡ Vide Journal of 1837, 125. § Various newspaper accounts. || Vide Journal, 127, 128, 129. ¶ Vide Journal, 133. Vide journal of 3d session 25th Congress, p. 51, 52.

NOTE.—Nine days after the adoption of these resolutions a coffin of thirty slaves chained together, and followed by about the same number of females, who were permitted to travel unchained, were driven past the Capitol, on their way to a southern market.

spectfully of slavery, even when that subject came collaterally under consideration. But while northern members were thus compelled to keep silence in regard to "peculiar institution," and their constituents were taxed for its support, southern members were permitted to assail, in such terms as they pleased, those who manifested any degree of restlessness under the unequal privileges enjoyed by members from the different sections of the Union. But while northern members were thus compelled to hold a place somewhere between the supercilious overseer and the trembling slave, they were often called to vote for the support of an institution which they held in perfect abhorrence. In January, 1842, while this rule, denying to the people the right to petition in relation to slavery, was in force, Mr. Adams presented the petition of some forty inhabitants of Haverhill, Massachusetts, praying that a peaceable dissolution of the Union might take place. He moved its reference to a select committee, with instructions to report against the prayer of the petition, and to assign the reasons for so doing. But a slaveholding member, regarding the liberty of thus presenting the petitions of northern men as dangerous to the slave power, immediately offered a resolution to censure Mr. Adams for this exercise of his constitutional right and solemn duty. Several days were spent in the trial, when the slaveholders, finding themselves unable to carry the resolution without discussion, it was laid upon the table, where it slept the sleep of death.

The President having communicated to the Senate the instructions forwarded to our minister in England, directing him to use his efforts to obtain from that Government compensation for the slaves who had taken possession of the slave ship Creole, and the Senate having gravely referred the subject to a committee of that body for consideration, a member from Ohio offered a series of resolutions, denying the power of the Federal Government to involve the people of the free States in the support of the slave trade. For thus presuming to assert the constitutional rights of the people of the free States, he was at once arraigned before the body of which he was a member, and without being permitted to speak in his own defence, a resolution of censure was passed upon him, and he was driven from his seat in Congress.\* This act of unprecedented tyranny aroused a portion of the northern press, and the constitutional rights of the people were declared in such tones of firm-determination, that no attempts were subsequently made to silence those who spoke of slavery, while they kept within parliamentary rules.

#### *Extension of slavery by the Federal Government.*

By the terms of the Federal Constitution, slaves are included in the federal ratio of representation, counting five slaves equal to three freemen. This provision of the Constitution is strongly opposed to Northern interests and Northern honor. But to show that the framers of that instrument had no expectation that this most obnoxious feature was to be extended, and Northern men further degraded by it, I will only refer the reader to the ordinance of 1787, by which a perpetual covenant between the people of the Northwest Territory and the Federal Government was entered into, forever to exclude slavery from said territory. This comprised all of the territory then claimed by the United States, and this ordinance was adopted some two months prior to the formation of the Constitution, and while the convention that framed it were in session. The subsequent purchase of Louisiana was declared by Mr. Jefferson to be entirely without Constitutional authority. But the admission of Louisiana, Missouri, and Arkansas, as slave States, thus giving to the holders of slaves in those States a political influence in the Federal Government over the freemen of the North, in proportion to the number of their slaves, was a most fatal blow to the Constitution, and to the rights, the interests, and the honor of the free States. To their admission the people of the free States submitted, and the precedent thus established has been seized upon by the slaveholding power to justify another outrage upon this charter of our rights, which, in the minds of reflecting men, leaves little hope for the permanency of our Federal Union.

When the annexation of Texas was first agitated, all parties concurred in rejecting the proposal as *unconstitutional*. The Federal Executive declared that the power to unite this nation with a foreign government was unknown to our Constitution.

\* Vide Journal of the House of Representatives of 22d March, 1842.

In early discussions in both Houses of Congress, the proposed annexation was attempted to be justified solely upon the ground of its being *necessary to the prosperity of the slave interest*. But the advocates finally seized upon the purchase of Louisiana and its subsequent admission as a precedent; and Texas is even now claimed as a part of the United States, and the work of annexation will doubtless be consummated during the present session of Congress. Then will the people of the free States be degraded to the political level of foreign slaves. We shall then reach a point at which our love of liberty, our feelings of independence, and our sense of honor, will be tested. Quiet submission will be disgrace to ourselves, destruction to our rights, and subversion to the Constitution.

### *Admission of Florida as a slave State.*

Having paid five millions of dollars for the purchase of Florida, and forty millions to catch the fugitive slaves, and some millions to maintain a civil government there, it was deemed necessary, in order to secure the ascendancy of the slave power, to admit Florida into the Union as a State, "with all her sins upon her," giving to her a political influence in the Federal Government in proportion to the number of slaves she holds, counting five slaves equal to three Northern freemen. This was done by act of Congress, passed at the 2d session of the 28th Congress, allowing but two hours for its discussion,\* one of which was occupied by a slaveholding friend of the Union, in an endeavor to convince gentlemen of the free States of the relative worth of Northern freemen when compared with Southern slaveholders.

### *Attempts of the Executive to sustain the American Slave Trade.*

It is now generally understood that slavery, being an abridgement of natural right, can only exist by force of *positive municipal law*, and is therefore confined strictly to the jurisdiction creating it. Thus slavery exists in Virginia by force of the laws of that State. While within that State a master may shoot his slave, if he runs from him; but were he to do that in Ohio, he would be hanged for the murder, for the reason that the laws of Virginia cannot extend into Ohio. Yet, a trade in slaves between the northern slave States and those lying further South, and also with Texas, has been carried on by sea for many years: still, in point of law, every slave thus taken from the jurisdiction of the slave State, is free the moment he leaves the bounds of such State and enters upon the high seas.

In 1831, "The Comet," a slave ship from Alexandria, for N. Orleans, was wrecked on the Island of Abaco, and her slaves and crew were taken to Nassau, in the Island of New Providence. The island being under British laws, the slaves were of course free as soon as they landed on British territory. They had been free under our laws, from the moment they were a league from our coast. Thus the reader will see that by the laws of both nations they were *freemen*. But the slave merchants, finding themselves unable to control the movements of their human cargo, called upon the authorities of the island for assistance, to aid them in holding their fellow men in subjection. But, there being no *law* there, by which one foreigner could control the liberty of another, all aid was refused, and the slave-mongers returned to the United States, and claimed the assistance of the National Government to aid them in carrying out their attempted speculation in human flesh, by demanding of the British Government a compensation for their loss.

In 1833, the brig "Encomium," from Charleston, for N. Orleans, with slaves, was wrecked near Abaco, and her slaves obtained their liberty in the same way.

In 1835, "The Enterprise," another slave ship was driven into Bermuda, a British port, by stress of weather, and her slaves were also liberated by force of British laws.

These repeated losses alarmed the slave merchants, and threatened seriously to affect the prospects of those who were engaged in breeding slaves for market. The Executive entered upon the subject with great zeal and energy. Instructions were sent to our Minister at London, directing him to make demand of the British Government for reparation to the slave merchants who owned these cargoes of human beings. Not because the

\* Vide 2d session 28th Congress.

British Government or any subject of the British Crown had gained any thing in consequence of these persons having obtained their freedom; but because the slavedealers had sustained a loss, in consequence of the English Government not having enacted laws authorizing the American slave trade. He was informed that this feature of the British laws "was too dangerous to a large section of our country to be tolerated." The demand was made, and as our minister was himself an extensive slaveholder, he entered upon the subject with so much zeal, that his assertions were soon carried *far beyond the bounds of truth*. In an official communication to Lord Palmerston, he declares that our "Government had more than once, in the most solemn manner, determined that slaves killed in the service of the U. States, even in a state of war, were to be regarded as property, and not as persons, and the government held responsible for them. By means of the most unceasing energy, and misrepresentations on the part of our minister, the British Government were induced to pay over to our Executive the sum £25,000 sterling, for the benefit of those who claimed to own the persons on board "the Comet" and "the Encomium." These vessels were wrecked, and the persons on board obtained their liberty prior to the taking effect of the general emancipation act, which liberated the slaves in the British West India Islands. But the "Enterprise" had entered Bermuda after the taking effect of that law, and the British ministers refused all compensation to the slave owners on board that ship. Partial success, however, stimulated the Executive to a more vigorous prosecution of the claims of the unfortunate slavedealer who owned the cargo of "the Enterprise." Fresh instructions were sent to our minister at London; and to aid the Executive with the influence of the Senate, resolutions declaring the law of nations to authorize a slave ship when driven by stress of weather to enter the port of a friendly power, and to hold control of the slaves on board until she came in, were introduced into the Senate by the Hon. J. C. Calhoun; and although their fallacy was apparent to every county court lawyer, yet they were adopted by the Senate without a dissenting voice. Most of the Senators from free States, however, refused to vote.\* To aid the Executive still further, the committee on foreign affairs in the House of Representatives made a report, in which this subject was mentioned, and an allusion was made to the unpleasant consequences which would follow a final rejection of the demand by Great Britain.†

While this was the state of the diplomatic correspondence between the two governments, the "Hermosa," another slave ship, was wrecked, and her slaves obtained their freedom in the same manner as those on board the other ships. In October, 1842, soon after the wreck of the Hermosa, the Creole left Richmond, Va., for New Orleans, with slaves on board. While at sea, the slaves rose upon the crew, killed one of them, and took the ship to Nassau, and, leaving her to the control of her captain, they went on shore in pursuit of their own happiness. These circumstances appear to have aroused the whole slaveholding interest. Instructions were again transmitted to our minister at London, and he was exhorted to press the demand upon the British Government for compensation for the slaves on board those ships. The Senate called for the correspondence, discussion ensued, in which grave Senators threatened destruction to those islands if compensation were not granted to the slave merchants who had thus lost their cargoes of slaves. At this time a member of the House of Representatives introduced resolutions denying the constitutional power of the Federal Government to involve the people of the free States in the support of the slave trade. As heretofore stated, the member was censured, and driven from Congress, for thus presuming to assert the doctrines of the Constitution; but the subject was instantly laid aside, and no more discussions were had in regard to the slave trade. Whether the Executive continued to press the demand upon Great Britain, is unknown to the public. If, however, there was any further correspondence in regard to the loss of those slaves, it yet remains concealed in the Executive port folio.

\* Vide Journal of the Senate, 1st session 26th Congress. † Vide Journal House of Representatives 2d session 26th Congress.